

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MIKE KREIDLER, Insurance Commissioner for  
the State of Washington and as Receiver for  
Cascade National Insurance Company, in  
Liquidation,

Plaintiff,

v.

DANNY L. PIXLER and ROXANN PIXLER,  
individually and their marital community;  
ANTHONY HUFF and SHERI HUFF, individually  
and their marital community; AMERICAN STAFF  
RESOURCES OF CALIFORNIA, INC., a Delaware  
corporation; CERTIFIED SERVICES, INC., a  
Nevada corporation; MIDWEST MERGER  
MANAGEMENT, LLC, a Kentucky Limited  
Liability Company; and JOHN DOES 1 - 10,

Defendants.

NO. C06-697 RSL

PLAINTIFF'S OBJECTIONS TO DEFENDANT  
PIXLER'S RE-DESIGNATED DEPOSITION  
DESIGNATIONS FOR ELIZABETH  
ANDERSON, LARRY MORRISON, AND  
EDWARD GUDEMAN

Plaintiff objects to defendant Pixler's re-designated deposition designations for  
Elizabeth Anderson, Larry Morrison, and Edward Gudeman, as indicated below.

**ELIZABETH ANDERSON AND LARRY MORRISON**

The Court has already ruled (Dkt. 303) that it would exclude deposition testimony  
of Elizabeth Anderson and Larry Morrison unless it was shown they were unavailable to

PTF.'S OBJS. RE: PIXLER'S RE-DESIGNATED DEP DESIGNATIONS - 1 of 4  
(C06-0697 RSL)

[Ptf's Objs re Def's Re-Designation Deps.doc]

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1 testify in person. There has been no such showing. Based on its previous ruling, the  
2 Court should not permit the re-designated testimony of Ms. Anderson or Mr. Morrison, nor  
3 any other deposition testimony by these witnesses.

4 Even if these re-designations were not improper based upon the Court's previous  
5 ruling, they are improper under the Court's Order Regarding Defendants' Motion for  
6 Reconsideration (Dkt. 311). In that Order, the Court permitted certain limited testimony  
7 regarding allegations concerning matters prior to the Stock Purchase Agreement. The  
8 Court has made it clear to counsel that it would not permit these matters to become a  
9 significant focus of this lawsuit. Even as to Harold Anderson, the Court (Dkt. 311) has  
10 ruled that questioning of Mr. Anderson on Cascade's financial condition, the November 3,  
11 2003 Board resolution, and related matters "should be very brief" because they were for  
12 background purposes only.

13 Defendant Pixler's re-designated testimony for Elizabeth Anderson and Larry  
14 Morrison — and, indeed, much of their previously-designated testimony — includes pages  
15 and pages of detail on issues such as Cascade's financial condition, the terms of the  
16 Columbia Bank loan, the servicing of the loan, the November 2003 Board resolution,  
17 Mr. Anderson's attempts to find a purchaser for Cascade, and similar issues. This  
18 testimony goes far beyond what the Court has ruled it will permit into evidence. It will  
19 prolong the testimony of other live witnesses considerably. This testimony will take the  
20 jury's focus away from the basic issues in this lawsuit, as this Court has recognized. Not  
21 only is that totally inconsistent with the efficient administration of this litigation, but the  
22 resulting prejudice to plaintiff far outweighs any possible relevance.

23 The jury can learn from Harold Anderson's live testimony the information the Court  
24 has ruled would be permissible on these issues. The Court should strike the re-  
25 designations of deposition testimony by Elizabeth Anderson and Larry Morrison, and, if  
26

they appear live, should not permit them to testify on these subjects.

EDWARD GUDEMAN

Defendant Pixler has re-designated testimony at page 71, lines 8-15, for Edward Gudeman. The subject of that testimony relates to whether Cascade made full disclosure of documents prior to the Stock Purchase Agreement. Like the re-designated testimony of Elizabeth Anderson and Larry Morrison, this re-designation opens up the whole area of pre-Stock Purchase Agreement disclosures by Cascade that will take over the focus of this litigation and unnecessarily and significantly prolong it. This is directly contrary to what the Court has ruled multiple times, and repeatedly stated to counsel.

\* \* \* \* \*

Based on the foregoing, the Court should strike the re-designations of the depositions of Elizabeth Anderson, Larry Morrison, and Edward Gudeman, as set forth above.

Dated this 5<sup>th</sup> day of May 2010.

GORDON THOMAS HONEYWELL LLP

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2010, I caused a true and correct copy of the attached document (1) PLAINTIFF'S OBJECTIONS TO DEFENDANT PIXLER'S RE-DESIGNATED DEPOSITION DESIGNATIONS FOR ELIZABETH ANDERSON, LARRY MORRISON, AND EDWARD GUDEMAN to be filed via ECF and sent via e-mail to the email addresses listed below to the following: recipients:

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DATED this 5th day of May 2010.

/s/ Kristin A. Larkin  
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